United Nations E/C.19/2017/9

Economic and Social Council

Distr.: General
27 January 2017

Original: English

Permanent Forum on Indigenous Issues
Sixteenth session
New York, 24 April to 5 May 2017
Item 4 of the provisional agenda*
Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples

Compilation of information from national human rights institutions

Note by the Secretariat

Summary

The present report is a compilation of the responses received from national human rights institutions to a questionnaire prepared by the secretariat of the Permanent Forum on Indigenous Issues on actions taken or planned in relation to indigenous peoples in order to identify and share good practices. The questionnaire and the complete responses from the institutions will be made available on the website for the sixteenth session of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/sixteenth-session.html).

* E/C.19/2017/1.

17-01258 (E) 080217

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I. Introduction

1. As part of its ongoing engagement with national human rights institutions, the Permanent Forum on Indigenous Peoples has requested, through a questionnaire, information on the work of national human rights institutions with indigenous peoples.[1] At its fifteenth session, the Permanent Forum acknowledged the contributions of national human rights institutions in the promotion and protection of human rights, including the rights of indigenous peoples, and welcomed their participation in future sessions of the Forum.[2]

2. The secretariat of the Permanent Forum received written responses to the questionnaire addressed to national human rights institutions on actions taken or planned in relation to indigenous peoples. Replies to the questionnaire were received from institutions in Argentina, Australia, Canada, Kenya, New Zealand, Nicaragua and the Philippines. Other institutions, advised that they would submit their responses at a later stage. All responses received will be available on the website of the sixteenth session of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/sixteenth-session.html).

3. The questionnaire contained questions on three main areas: the recommendations of the Permanent Forum on Indigenous Issues; the promotion and protection of indigenous peoples' rights; and the follow-up to the 2014 World Conference on Indigenous Peoples.

II. Responses of national human rights institutions

A. Recommendations of the Permanent Forum: indigenous peoples: conflict, peace and resolution

4. In line with the theme of the 2016 session of the Permanent Forum, "Indigenous peoples: conflict, peace and resolution",[3] national human rights institutions were asked to provide information on how they were working on issues related to conflict, peace and resolution for indigenous peoples.

5. At the request of six Mapuche communities in Argentina, the Federal Justice of the province of Chubut convened a dialogue to resolve a conflict related to the route of a tourist railway. The national Ombudsman (Defensor del Pueblo de la

[1] The questionnaire was sent to 75 national human rights institutions accredited by the International Coordinating Committee on National Human Rights Institutions: 23 in Asia and the Pacific; 27 in Africa; 19 in Latin America and the Caribbean; and 6 in Europe. Participating institutions were chosen on the basis of the following criteria: (a) previous participation in sessions of the Permanent Forum; (b) responses to the 2016 questionnaire; and (c) countries with indigenous peoples, including self-identified indigenous peoples. Responses were received from 7 national human rights institutions (Argentina, Australia, Canada, Kenya, New Zealand, Nicaragua and the Philippines). Other institutions reported that they would submit their responses at a later stage. More detailed information on national human rights institutions can be obtained from the website of the Global Alliance of National Human Rights Institutions (http://nhri.ohchr.org/EN/Pages/default.aspx).

[2] E/2016/43, para. 23.

[3] Ibid., paras. 49-64.

Nación), who participated in the dialogue as an observer guarantor of the process, focused on strengthening the peaceful mechanisms for conflict resolution and management that involve the participation of indigenous communities, highlighting the importance of prior consultation in those processes.

6. The Australian Human Rights Commission recognizes that significant unfinished business remains in terms of the national healing and reconciliation process regarding the treatment of indigenous peoples in Australia. All past and current Social Justice Commissioners have noted that the practice of dispossession and assimilation of Aboriginal and Torres Strait Islander peoples has created a number of ongoing problems. According to the report submitted by the Commission, there is an undeniable and urgent need to heal the damage caused to indigenous communities through the removal of indigenous children, the separation of families, family violence, incarceration, suicide and alcohol and drug abuse. Recent statistics in Australia show that Aboriginal and Torres Strait Islander women, in particular, experience domestic violence at 32 times the rate for non-indigenous women.

7. The Canadian Human Rights Commission has developed several tools and resources, including a "Toolkit for developing community-based dispute resolution processes in First Nations communities". The Commission provides training and policy support to indigenous communities and governmental authorities seeking to develop policies and procedures at the community level. The Commission's complaint mechanism has been used in attempts to resolve a variety of issues affecting or involving indigenous peoples. In January 2016, the Canadian Human Rights Tribunal issued a decision supporting the allegations of systemic discrimination against indigenous children in care. Several complaints citing discrimination have been filed with respect to the eligibility requirements for registration as a "Status Indian" pursuant to the Indian Act. The Commission has also successfully represented the public interest in other complaints involving indigenous communities. In one instance, the Tribunal upheld a complaint filed by an indigenous woman who was prevented from running for election to be the Chief of her First Nations government by a discriminatory election code that precluded her candidacy based on her family status.

8. The Kenya National Commission on Human Rights is planning to conduct alternative dispute resolution (mediation) between forest dwelling communities (the Ogiek of Chepkitale and Sengwer of the Mau Forest) who lay claim, as their ancestral lands and current homes, to some areas that have been recently designated as protected forest areas. Since 2014, Commission has held several consultative meetings with the National Land Commission, the Kenya Forest Service and respective county governments and indigenous community representatives in a bid to manage potential conflicts between the communities and the Forest Service. In addition, the National Commission is part of a legal team that is petitioning the judiciary to provide an interpretation of the rights of members of the Ogiek community who are being threatened with permanent eviction from their ancestral lands in the Chepkitale area of Mount Elgon in Bungoma county. The Ogiek community has faced repeated evictions, most recently during the rainy season in July 2016 when their homes and properties were burnt and destroyed. Many continue to live in the caves to which they escaped, although some have since moved back and started reconstructing their homes, albeit with the attendant

insecurity of facing eviction again. The National Commission also conducts investigations into alleged human rights violations committed against indigenous communities.

9. The national human rights institution of Nicaragua (Procuraduría para la Defensa de los Derechos Humanos) recognizes that peace and tranquillity for indigenous peoples and Afrodescendants is an indispensable element for the achievement of their development. In this regard, the national institution reported that the Government has promoted a series of strategic programmes and projects aimed at restoring human rights in order to achieve peace and development throughout the country. In particular, the development strategy for the Caribbean coast and Alto Wangki-Bocay region (2012-2016) has contributed to reinstitution of the rights of the inhabitants of the north Caribbean coast.

10. The Commission on Human Rights of the Philippines provides protection, promotion and policy services with due regard for the human rights of indigenous peoples. While the National Commission on Indigenous Peoples is the specific government office in the Philippines with the primary jurisdiction over the promotion and protection of indigenous peoples' rights, the Commission on Human Rights also receives a substantial number of requests for assistance. The latter Commission reported that the largest number of cases involving indigenous peoples were concentrated in Mindanao, particularly in Caraga, Davao and the Zamboanga Peninsula. In 2015, the Commission condemned the Armed Forces of the Philippines and the Communist Party's New People's Army, which, according to Commission's report, had perpetrated numerous crimes against Lumad communities in Mindanao, and urgently called for the cessation of such violations.

B. Recommendations of the Permanent Forum: indigenous human rights defenders

11. The 2017 session of the Permanent Forum will include a focus on indigenous human rights defenders. National human rights institutions were asked to provide information on their work related to indigenous human rights defenders.

12. The Australian Human Rights Commission reported that the Special Rapporteur on the situation of human rights defenders visited Australia in October 2016. In his end-of-mission statement, the Special Rapporteur highlighted several concerns about the situation of indigenous human rights defenders, notably that many of them were still experiencing severe disadvantages compared with non-indigenous defenders. In the view of the Special Rapporteur, they are marginalized and unsupported by State and territory governments, a situation compounded by the tendency of the central Government to use the federal system as a limitation on its ability to exercise responsibility for providing support to indigenous rights defenders. The Special Rapporteur is expected to report to the Human Rights Council on his country visit to Australia in 2017, and the Special Rapporteur on the Rights of Indigenous Peoples is expected to visit Australia in 2017.

13. The Canadian Human Rights Commission supports the work of human rights defenders by recognizing and promoting their work in public statements and

speeches, as well as through the granting of awards, and by providing a complaint mechanism that includes protections against retaliation for filing a discrimination complaint. Through the years, various indigenous peoples and indigenous peoples' organizations have been recognized by the Commission for their role in advancing human rights in their communities.

14. Through a participatory approach, the Kenya National Commission on Human Rights has developed a policy on human rights defenders and will advocate its adoption by the State. The Commission has trained and enhanced the capacity of a human rights defender from the Sengwer community to effectively defend its rights. The Commission also plans to train human rights defenders from other indigenous communities. Frequent meetings are planned with human rights defenders and relevant duty bearers to discuss existing challenges and chart the way forward in order to provide effective protection for the human rights of indigenous communities. During its public inquiries on insecurity in the North Rift and coastal regions of Kenya in 2015, the Commission received representations and petitions from human rights defenders from a number of indigenous communities.

15. The national human rights institution of Nicaragua reported that it had carried out 250 outreach and educational activities to promote human rights in 2016, and that, in its oversight role, it had expanded its network of local offices during the year. It also reported that it had received no claims regarding harassment, persecution, aggression or violence of any kind with regard to the work of its local offices working as human rights defenders in Nicaragua.

16. The Commission on Human Rights of the Philippines, which facilitates dialogue between indigenous human rights defenders and State agencies as a redress mechanism, reports that it places emphasis on preventive measures but also provides investigation services and sometimes legal and financial assistance. The Commission has handled a range of cases, including complaints filed by tribal leaders from Bukidnon against paramilitary forces and with regard to the killing of a tribal leader. The Commission has also established a new office on indigenous peoples' issues, with a focus on the protection and promotion of human rights within the context of an indigenous point of view. In November 2016, in coordination with the National Commission of Indigenous Peoples and the Department of Natural and Environment Resources, the Commission facilitated a consultation-dialogue in Butuan City between the indigenous peoples of Ponson Island, the Carrascal Mining Company and the Marcventures Mining and Development Corporation. Concerns discussed included environmental degradation and the encroachment of mining activities inside the Manobo-Ponson ancestral domain.

C. Promoting and protecting indigenous peoples' rights

17. The United Nations Declaration on the Rights of Indigenous Peoples was adopted in 2007. To mark the tenth anniversary in 2017, national human rights institutions were asked to provide information to assess gains and achievements in its implementation.

18. The Ombudsman of Argentina reported that the implementation of programmes recognizing community ownership varied from province to province. In addition, the Ombudsman reported the promulgation of national decree PEN 672/2016, establishing the Advisory and Participatory Council of Indigenous Peoples of the Argentine Republic, without broad consultation, although several meetings will be held to provide indigenous organizations with the opportunity to discuss the regulation of its implementation. The Ombudsman also reported that a national health programme for indigenous peoples has been created within the Ministry of Health. At the provincial level, a Ministry of Indigenous Affairs and Community Development has been established in the province of Salta as well as a secretariat of indigenous affairs in the province of Jujuy. Regarding legislation, the legislature of the province of Neuquén has adopted a law of prior consultation for the elaboration of the Mapuche health law.

19. The Australian Human Rights Commission has undertaken a number of significant activities in relation to the promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including the development of a practical manual for national human rights institutions on the Declaration and a learning course developed jointly by the Australian Human Rights Commission, the Asia Pacific Forum of National Human Rights Institutions and the Office of the United Nations High Commissioner for Human Rights. In partnership with the National Congress of Australia's First Peoples, the Commission held a series of community, government, business and non-government dialogue meetings to raise awareness and understanding of the Declaration. The Commission has continued to advocate, through reports on social justice and native title as well as other avenues, the review of existing legislation, policies and programmes regarding their conformity with the Declaration. The Commission has also advocated the inclusion of the Declaration in the definition of human rights in the Human Rights (Parliamentary Scrutiny) Act 2011.

20. Through the Canadian Association of Statutory Human Rights Agencies, which serves as an umbrella organization for the federal, provincial and territorial human rights commissions in Canada, the Canadian Human Rights Commission co-chairs the Working Group on the United Nations Declaration on the Rights of Indigenous Peoples. The Working Group was established to consider how human rights institutions in Canada can advance the implementation of the Declaration. It provides advice to members of the Canadian Association of Statutory Human Rights Agencies on issues relating to the human rights of indigenous peoples in Canada and suggests related activities that members can undertake to advance these rights. For example, in June 2016, the Working Group hosted a panel on strategies to advance the implementation of the Declaration as a framework for reconciliation. The Working Group has also developed a series of joint motions to advance the rights of indigenous peoples in Canada and promote the Declaration, including by calling for the establishment of an independent national oversight body to monitor the implementation of the Calls to Action contained in the 2015 report of the Truth and Reconciliation Commission of Canada. Over the past year, two bills have been brought forward in Parliament relating to the implementation of the Declaration in Canada. Bill C-262 would require the Government to take all measures necessary to ensure that the laws of Canada are in harmony with the Declaration. Bill C-332 would require the Minister of Indigenous and Northern Affairs to prepare an annual

report on Canada's compliance, during the preceding year, with its obligations under the Declaration. Neither bill had been passed into law as of January 2017 when the report of the Canadian Human Rights Commission was submitted to the secretariat of the Permanent Forum.

21. The Kenya National Commission on Human Rights has conducted strategic public interest litigation to claim and assert the rights of indigenous peoples, in particular the Ogiek community, to their ancestral lands as protected under article 10 of the United Nations Declaration on the Rights of Indigenous Peoples. Through such litigation, the Commission is seeking to forestall the threatened eviction of the Ogiek from Chepkitale. The 2010 Constitution of Kenya provides a progressive framework for the protection of the rights of minorities and marginalized communities in Kenya. Although the constitution does not make specific reference to indigenous peoples, provisions of the constitution highlighted herein accord protections to indigenous peoples that coincide with the principles set out in the United Nations Declaration. The Commission is mandated, under articles 59 and 249 of the Constitution, to ensure the promotion and protection of human rights and to secure the observance of principles outlined in article 10 of the Declaration. In this endeavour, the Commission has the authority to receive and investigate complaints of alleged human rights abuses, to seek appropriate redress for the violations, to educate the public on their rights, to research and advise the Government on its human rights obligations and to ensure State compliance with its regional and international human rights treaty obligations. In addition to the rights provided for under the Bill of Rights, the Constitution lists ancestral lands and lands traditionally occupied by hunter-gatherer communities as community land, a form of landholding tenure recognized in Kenya. Kenya has further enacted the Community Land Act 2016, which provides a framework for the registration and management of community land. In 2015, the Commission, within the framework of its universal periodic review, recommended that the State should: ratify ILO Convention No. 169 on Indigenous and Tribal Peoples; take steps to implement the United Nations Declaration on the Rights of Indigenous Peoples; enact the Community Land Act and the Evictions and Resettlement Procedures Bill; and fully implement the decision of the African Commission on Human and Peoples' Rights on the case of the Endorois people and the Prevention, Protection and Assistance to Internally Displaced and Affected Communities Act.

22. New Zealand Human Rights Commission welcomed the establishment by the national Iwi Chairs Forum of an independent monitoring mechanism for the United Nations Declaration on the Rights of Indigenous Peoples. The Commission continues to support the mechanism through the provision of secretariat and technical assistance. In 2013, the Commission made a major submission to the constitutional conversation conducted by the Government-appointed Constitutional Advisory Panel. The submission advocated the position that the Treaty of Waitangi is the founding document of the State of New Zealand and that its constitutional arrangements — its values, rules, institutions and practices — should flow from the Treaty. Furthermore, the Treaty provides for coexisting systems of governance and law in Aotearoa, the Maori name for New Zealand, in order to give effect to the right to self-determination for both indigenous and non-indigenous New Zealanders. The Commission's aspiration for the future of the country is that human rights

protections will be strengthened and the Treaty will be increasingly recognized as the founding document of the country in a substantive manner.

23. In February 2014, the Constitution of Nicaragua was revised to recognize the existence of indigenous peoples and the Afrodescendant population, and to ensure their enjoyment of the rights, duties and guarantees enshrined in the Constitution, in particular the rights to maintain and develop their identity and culture, to have their own ways of social organization and of managing their local affairs and to maintain communal ownership of their lands, including their use and enjoyment, in accordance with national law. The Constitution also established autonomy for the communities of the Caribbean coast. In March 2015, the National Assembly of Nicaragua adopted the United Nations Declaration on the Rights of Indigenous Peoples, in support of the outcome document of the World Conference on Indigenous Peoples, and committed itself to continuing to work to adapt national legislation in line with the Declaration and in accordance with the Constitution. The national human rights institution of Nicaragua has developed, as part of its outreach and education strategy, training activities for the general population and public officials on the rights of indigenous peoples, including information on the United Nations Declaration.

24. The Commission on Human Rights of the Philippines has been involved in two legal developments related to the promotion of the United Nations Declaration on the Rights of Indigenous Peoples. The first is the development of guidelines in the national monitoring of human rights compliance in the mining industry. The guidelines expressly recognize that environmental concerns are human rights concerns and call on the Government to apply a human rights-based approach to protect the environment. The guidelines also clarify that adverse impacts of mining activities to the environment in the form of pollution and disturbance to the livelihood and welfare of individuals or communities, among others, if supported by substantial evidence, shall be regarded as human rights abuses and violations. These guidelines are still pending with the Mining Industry Coordinating Council. The Commission has also been involved in efforts to promote the adoption of the Indigenous Peoples and Local Communities Conserved Areas and Territories Bill into law. The Bill is meant to implement the Convention on Biological Diversity and the United Nations Declaration on the Rights of Indigenous Peoples, and to bring about full realization of the rights of the indigenous peoples in the Philippines.

D. Follow-up to the World Conference on Indigenous Peoples

25. In September 2014, the United Nations organized the first World Conference on Indigenous Peoples. At the World Conference, Member States made a number of commitments of relevance to human rights institutions. Three main areas of relevance are considered in this section: (a) national action plans, strategies or other measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples in cooperation with indigenous peoples, through their own representative institutions; (b) the prevention and elimination of all forms of violence and discrimination against indigenous peoples; and (c) the processes to acknowledge, advance and adjudicate the rights of indigenous peoples, including their rights pertaining to lands, territories and resources.

1. National action plans, strategies or other measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples in cooperation with indigenous peoples, through their own representative institutions

26. In Canada, a working group examines ways to encourage provincial, territorial and federal governmental support or endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, including through the enactment of legislation. For example, the creation of key messages on the rights contained in the Declaration was a collaborative effort to encourage governmental endorsement and compliance with the Declaration.

27. The Kenya National Commission on Human Rights, the National Gender Commission and the National Land Commission, together with representatives of indigenous communities and relevant governmental agencies, are in the process of developing a national action plan to implement the United Nations Declaration.

28. The New Zealand Human Rights Commission has advocated the need for a national strategy to implement the United Nations Declaration. It has developed a national action plan based on the recommendations of the 2014 universal periodic review submitted by the Government, and plans to incorporate actions relating to the Declaration into the plan in the coming months. Discussions have also taken place with a view to working with the Government and the independent monitoring mechanism for the Declaration in this regard.

29. As mentioned above, the national human rights institution of Nicaragua reported on the development strategy for the Caribbean coast and the Alto-Wangki Bocay area that has contributed to increased access to services, opportunities and participatory mechanisms to reduce poverty and enhance human development.

30. In 2017 the Commission on Human Rights of the Philippines will conduct a national inquiry into the current situation of indigenous peoples in the country in order to provide solutions to the problems faced by the indigenous communities, including through consensus-building between indigenous peoples, the government and mainstream civil society. The processes and eventual findings of the national inquiry are expected to fully operationalize an Indigenous Peoples' Rights Observatory in the Philippines.

2. Prevention and elimination of all forms of violence and discrimination against indigenous peoples and individuals

31. The Australian Human Rights Commission reports that Aboriginal and Torres Strait Islander children are overrepresented in child protection programmes and the out-of-home care system. Current statistics indicate that Aboriginal and Torres Strait Islander children are 9.5 times more likely to be in out-of-home care than non-indigenous children.[4] Since 2017 marks the 20th anniversary of the "Bringing Them Home" report, the Commission will commemorate the occasion by advocating that the historical practices and policies used to remove children from

[4] Australian Institute of Family Studies, "Child protection and Aboriginal and Torres Strait Islander children", Child Family Community Australia Resource Sheet, October 2016 (available at https://aifs.gov.au/cfca/publications/child-protection-and-aboriginal-and-torres-strait-islander-children).

their families do not occur again and will consider ways to advocate solutions to the problems faced by indigenous children in care.

32. Prior to August 2016, the Canadian Human Rights Commission, in association with its provincial and territorial counterparts, supported calls for the establishment of a national action plan on violence against indigenous women, including launching an independent and inclusive inquiry into missing and murdered indigenous women and girls. An inquiry into murdered and missing indigenous women and girls was announced by the federal Government in August 2016.

33. The Kenya National Commission on Human Rights is working on legislation under article 100 of the national Constitution, which provides for affirmative action for political representation of minorities, women, youth and persons with disabilities.

34. The New Zealand Human Rights Commission issues regular statements and submits reports relating to the prevention of violence against women, highlighting the disproportionate rate of violence experienced by Maori women and children.

3. Processes to acknowledge, advance and adjudicate the rights of indigenous peoples pertaining to lands, territories and resources

35. The Australian Human Rights Commission supports the Indigenous Property Rights Project, led by Aboriginal and Torres Strait Islander peoples, which is aimed at addressing barriers to development on the Indigenous Estate. This is consistent with article 26 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that indigenous peoples have the right to own, use and control their lands, waters and other resources. During the 2015-2016 period, the Social Justice Commissioner convened a number of round tables on economic development and indigenous property rights. The meetings identified options for addressing the challenges Aboriginal and Torres Strait Islander peoples experience in creating economic development opportunities without limiting native title or land rights. These challenges include barriers that prevent the leveraging of property rights, be they communal, inalienable rights under native title or through land rights schemes. A draft framework to advance a renewed dialogue between the Australian Government and Aboriginal and Torres Islander peoples about their traditional lands, culture and options for economic development is currently being developed.

36. The Truth and Reconciliation Commission of Canada issued its final report in 2015. Following the release of the report, the Canadian Human Rights Commission made a public statement urging the Government to implement the 94 Calls to Action contained in the report. A number of the Calls to Action refer to the United Nations Declaration on the Rights of Indigenous Peoples and the importance of its full implementation. The current Government has committed itself to the implementation of the 94 Calls to Action. In December 2016, the Government announced the creation of a process to establish a national council for reconciliation to help implement the 94 final recommendations put forward in the report.

37. The Kenya National Commission on Human Rights participated in the formulation of both the Community Lands Act 2016 and the Mining Act 2016, and advocated both a devolved system of Government and the establishment of the National Land Commission. The alternative dispute resolution mechanism is a

feature of the Kenyan Constitution. The Commission also seeks to imbue traditional justice mechanisms with elements in compliance with international human rights standards and gender equity.

38. New Zealand Human Rights Commission has been approached by Maori groups that have concerns about the Government process for the negotiated settlement of Treaty of Waitangi claims. This process, known as the Large Natural Grouping policy, focuses on larger groups. The Commission considers that this can leave some smaller groups (*hapū*) with concerns about participation and representation, as well as having an impact on the distinct cultural identity of those groups and their potential ability to directly access to the practical benefits of the negotiated treaty settlement. In response to one specific situation, the Commission met with the group concerned and with the Government agency responsible for negotiations and encouraged continued dialogue to seek pragmatic solutions in the interests of achieving fair and lasting settlements.

39. In Nicaragua, according to the national human rights institution, between 2007 and 2016 the Government delivered 23 community land titles to 304 ancestral communities, comprising 39,531 families. The land titles granted rights to an area of 37,841.99 km^2, or 31.6 per cent of the country's total land.

E. Conclusions

40. In summary, six of the national human rights institutions that submitted their responses to the questionnaire provided information on their work on conflict resolution. Five reported on their work regarding human rights defenders. All respondents provided information about the measures they had taken to promote and protect indigenous peoples' rights. Regarding follow-up to the World Conference on Indigenous Peoples, six respondents reported on the development and implementation of national action plans, strategies or other measures to achieve the goals of the United Nations Declaration; four provided information on their efforts to prevent and eliminate all forms of violence and discrimination against indigenous peoples; and six reported on the establishment at the national level of processes to acknowledge, advance and adjudicate the rights of indigenous peoples pertaining to lands, territories and resources.